

# Request for File Wrapper Continuing Application Under 37 C.F.R. 1.62

Docket No.:	Anticipated Classification of this Application	Prior Application Examiner	Art Unit
01994-0023	Class: 424 Subclass:	J. Shaver	

Address to:

Assistant Commissioner for Patents  
Box FWC  
Washington, DC 20231

65371 U.S. PTO  
08/795962  
02/05/97



This is a Request for filing a ☐ continuation-in-part ☒ continuation ☐ divisional application under 37 CFR 1.62 of prior application Application No. 08/586,427 filed on January 16, 1996, entitled COMPOSITION AND METHOD FOR REDUCING TOXICITY OF BIOLOGICALLY-ACTIVE FACTORS by the following named inventor(s):

Full Name of Inventor	Family Name Tamarkin	First Given Name Lawrence	Second Given Name
Residence & Citizenship	City Rockville	State or Foreign Country Maryland 20854	Country of Citizenship United States of America
Post Office Address	Post Office Address 1055 Pipestem Place	City Rockville	State & Zip Code/Country MD 20854
Full Name of Inventor	Family Name Paciotti	First Given Name Giulio	Second Given Name Franco
Residence & Citizenship	City Baltimore	State or Foreign Country Maryland 21227	Country of Citizenship United States of America
Post Office Address	Post Office Address 6714 Potomac Hunt Court	City Baltimore	State & Zip Code/Country MD 21227

☐ See Addendum for other Joint Inventor(s).

The above identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

- ☐ Enter the amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 but unentered in the prior application.
- ☐ A preliminary amendment is enclosed.

Express Mail Mailing Label Number **EM545259434US**

FOI TO GPO

3. The filing fee is calculated on the basis of the claims existing in the prior application as amended at 1 and 2.

FOR:	NO. FILED	NO. EXTRA	SMALL ENTITY		OTHER THAN SMALL ENTITY	
			RATE	FEE	RATE	FEE
BASIC FEE				\$385		\$770
TOTAL CLAIMS	15 - 20 =	0	x11 =		x22 =	
INDEP. CLAIMS	3 - 3 =	0	x40 =		x80 =	
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED			+130 =		+260 =	
			<b>TOTAL</b>		<b>TOTAL</b>	

4. ☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee is enclosed.
5. ☐ A new oath or declaration is included since this application is a continuation-in-part which discloses and claims additional matter.
6. ☒ Amend the specification by inserting before the first line the sentence: --This is a ☐ continuation-in-part ☒ continuation ☐ division of Application No. 08/586,427 filed January 16, 1996, now abandoned.--
7. ☒ A verified statement claiming small entity status is ☒ of record in the parent application, ☐ submitted herewith.
8. ☐ Priority of foreign application No. \_\_\_\_\_ filed on \_\_\_\_\_ in [country]\_\_\_\_\_ is claimed under 35 USC 119(a)-(d).
9. ☒ The prior application is assigned of record to **Assay Research Inc.**
10. ☒ **POWER OF ATTORNEY:** Power of Attorney in the prior application is to: Anthony B. Askew - 24,154; Roger T. Frost - 22,176; Jeffrey E. Young - 28,490; Robert E. Richards - 29,105; John R. Harris - 30,388; Stephen M. Schaetzel - 31,418; Larry A. Roberts - 31,871; Thomas A. Hodge, - 22,602; Charles L. Warner II - 32,320; Gregory T. Gronholm - 32,415; Dale Lischer - 28,438; Peter G. Pappas - 33,205; James Dean Johnson - 31,771; Nora M. Tocups - 35,717; W. Scott Petty - 35,645; Daniel J. Warren - 34,272; Larry W. Stults - 34,025; Hubert J. Barnhardt III - 36,739; Virginia L. Carron - 37,110; Leona G. Young - 37,266.
11. ☒ Copy enclosed: A "PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. §1.136" is being filed simultaneously herewith (February 6, 1997) in the parent application Serial No. 08/586,427, filed January 16, 1996.

Address all future correspondence to: Larry W. Stults, Ph.D.  
JONES & ASKEW, LLP  
37th Floor  
191 Peachtree Street, N.E.  
Atlanta, Georgia 30303-1769  
404/818-3700

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all other applications in the same file wrapper.

ATTORNEY OF RECORD

Date: 02-06-97

By: Larry W. Stults, Ph.D.

Reg. No. 34,025

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lawrence Tamarkin  
Giulio F. Paciotti

Serial No. 08/586,427

Filed: January 16, 1996

For: COMPOSITION AND METHOD  
FOR REDUCING TOXICITY OF  
BIOLOGICALLY-ACTIVE FACTORS

Art Unit: 1802

Examiner: J. Shaver

## PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The above-identified applicants respectfully request a three-month extension of time within which to file a response to the Office Action dated August 9, 1996, to expire February 9, 1997. A check in the amount of \$465.00 is enclosed herewith to cover the fee for a three-month extension.

Please charge any additional fees, or credit any overpayment, to Deposit Account 10-1215. A duplicate copy of this sheet is attached.

Respectfully submitted,

Larry W. Stults, Ph.D.  
Reg. No. 34,025JONES & ASKEW, LLP  
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Our Docket: 01994-0022